

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

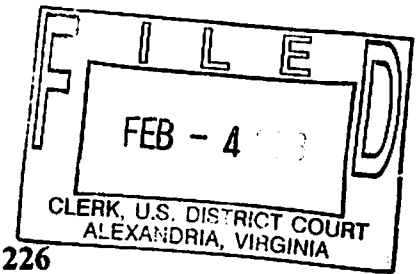
NORMAN BRADFORD
Plaintiff,

v.

HSBC MORTGAGE CORPORATION,
Defendant.

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Case No. 1:09cv1226



ORDER

The matter is before the Court on plaintiff's motion to alter judgment and reinstate his rescission-related claims (doc. 307).

By Order dated May 29, 2012, the motion to alter judgment was deferred pending issuance of the formal mandate of the Fourth Circuit in *Gilbert v. Residential Funding LLC*, 678 F.3d 271 (4th Cir. 2012). A petition for rehearing or a rehearing *en banc* had been entered in *Gilbert* and, accordingly, any party seeking decision on the pending motion to alter judgment was directed to advise the Court by pleading of the issuance of the Fourth Circuit's mandate in *Gilbert*, or of any other order issuing in that case relating to rehearing.

On June 20, 2012, the Fourth Circuit denied the motion for rehearing and rehearing *en banc*. See *Gilbert*, No. 10-2995 (4th Cir. June 20, 2012) (Order). Thereafter, on June 28, 2012, a partial mandate issued with respect to appellees Deutsche Bank Trust Company Americas, Trustee for Residential Accredit Loans, Inc., and David Simpson, Substitute Trustee. See *Gilbert*, No. 10-2995 (4th Cir. June 28, 2012) (Partial Mandate). The mandate was stayed with respect to appellees Residential Funding LLC and GMAC Mortgage, LLC, pursuant to 11 U.S.C. § 362.¹ See *id.*


¹

Given that the Fourth Circuit denied the petition for rehearing and issued the partial mandate in June, and no party in this matter has since filed a pleading seeking decision on the pending motion to alter judgment,

It is hereby **ORDERED** that the parties are **DIRECTED** to show cause in an appropriate pleading filed by 5:00 p.m. Thursday, February 14, 2013 why the pending motion to alter judgment should not be denied. In the event no party files such a pleading by this date, the motion will promptly be denied.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, VA
February 4, 2013



T. S. Ellis, III
United States District Judge

¹ On May 14, 2012, Residential Funding LLC and GMAC Mortgage, LLC are subject to § 362's automatic stay because they filed voluntary bankruptcy petitions under Chapter 11 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York.